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LEGALLY MINE, LLC

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

KASRA ELIASHIEH, M.D., on behalf  
of himself and all others similarly  
situated,

Plaintiff,

vs.

LEGALLY MINE, LLC,

Defendant.

Case No.: 3:18-cv-03622-JSC

**JOINT CASE MANAGEMENT  
STATEMENT &  
[PROPOSED] ORDER**

Date: June 1, 2020

Ctrm: F. 15th Fl.

Judge: Hon. Jacqueline S. Corley

The parties to the above-entitled action jointly submit this JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER pursuant to the order of the Court on May 21, 2020. The document replaces that Joint Case Management Statement & Proposed Order (“prior JCMS”) submitted in advance of the hearing on May 21 – to the extent anything herein contradicts the scheduling proposed in that prior JCMS, the scheduling here controls.

1           1. Class Action issues.

2           The court reinstated plaintiff's case in an order dated April 21, 2020.  
3 Consistent with that order, the parties held a case management conference and  
4 presented the court with a joint case management statement and proposed order for  
5 the case management conference held on May 21, 2020. At the case management  
6 conference, the court asked the parties to provide a supplemental schedule that  
7 would prioritize the class-wide discovery that had a bearing upon the presence,  
8 absence, or nature of any agreements between putative class members and Legally  
9 Mine to arbitrate their disputes.

10           2. Disclosures

11           The parties agree to each make initial disclosures by July 1, 2020.

12           3. Discovery

13           Class-wide discovery shall focus upon the presence, absence, or nature of  
14 any agreements between putative class members and Legally Mine to arbitrate their  
15 disputes. The parties and the Court recognize that economy may dictate that some  
16 discovery into broader class-related issues take place simultaneously. To the extent  
17 that any such broader class-related discovery remains after the prioritization  
18 described herein, the parties and the Court will address the appropriate schedule so  
19 that all class-wide discovery is completed before the class certification motion is  
20 brought, recognizing that the briefing and hearing schedule set forth below in  
21 paragraph 16 may need to be pushed out to accommodate.

22           The parties anticipate that a protective order will be entered prior to  
23 production of initial disclosures.

24           4. Scheduling

25           The parties shall serve this written discovery by July 1, 2020. The parties  
26 shall have until July 16, 2020 to negotiate changes to this discovery. The parties  
27 shall have until September 18, 2020 to respond to this written discovery.

28       ///

1 Plaintiff shall file a Motion for Class Certification under Fed. R. Civ. P. 23  
2 and a memorandum in support by February 12, 2021. The motion for class  
3 certification shall include the following:

- 4 a. The specific paragraphs of Fed. R. Civ. P. 23 under which the  
5 action is maintainable as a class action;  
6 b. A description of the class, classes, and/or subclasses, in whose  
7 behalf the action is brought; and  
8 c. Facts showing that the party is entitled to maintain the action under  
9 Fed. R. Civ. P. 23(a) and (b).

10 Defendant shall file a memorandum in opposition by **March 5, 2021.**

11 Plaintiff shall file a reply memorandum by **March 12, 2021.**

12 Hearing on class certification motion by **April 12, 2021.**

13  
14 Dated: June 3, 2020

OSTERGAR LAW GROUP P.C.

15  
16 By: /s/ John E. Lattin IV  
17 John E. Lattin IV  
18 Attorneys for Defendant

19 Dated: June 3, 2020

HERSHENSON ROSENBERG-WOHL,  
20 a Professional Corporation

21  
22 By: /s/ David M. Rosenberg-Wohl  
23 David M. Rosenberg-Wohl  
24 Attorneys for Plaintiff

25 ///

26 ///

27 ///

28 ///

**CASE MANAGEMENT ORDER**

The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

IT IS SO ORDERED.

Dated:

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UNITED STATES DISTRICT/MAGISTRATE JUDGE

**PROOF OF SERVICE**

I am at least 18 years of age, and not a party to the within action. I am a resident of or employed in the County of Orange, State of California. My address is 9110 Irvine Center Drive, Irvine, California 92618. My electronic address is: cslovenec@ostergar.com

On June 3, 2020, I served the foregoing document(s) described as:

**JOINT CASE MANAGEMENT STATEMENT & [PROPOSED] ORDER**

on the interested parties identified in this action by the means of service designated below:

David Michael Rosenberg-Wohl Hershenson Rosenberg-Wohl, APC 315 Montgomery St., 10th Fl. San Francisco, CA 94104 415-829-4330	<i>Attorneys for Plaintiff</i>
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Email: david@hrw-law.com

(By Mail Service) By depositing the sealed envelope(s) with the United States Postal Service at Yorba Linda, CA, with postage thereof fully paid. (C.C.P. §1013 and/or §1101 et seq.)

X (By Electronic Transmission) I caused the described document(s) described herein electronically transmitted and served via the Pacer system. The above-listed counsel have consented to electronic service and have been automatically served by the Notice of Electronic Filing, which is automatically generated by CM/ECF at the time said document was filed, and which constitutes service pursuant to FRCP 5(b)(2)(E) and L.R. 5-1(h).

I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 3, 2020, at Irvine, California.

/s/ Christina Slovenec  
CHRISTINA SLOVENEC